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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/569,945	Applicant(s) WENDNER ET AL.	
	Examiner JENNIFER L. NORTON	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/28/06, 5/13/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-40 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 7, 9-27, 29, 32 and 33-40 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Publication No. 2002/0062159 A1 (hereinafter Draghetti).

3. As per claim 1, Draghetti discloses a display and operating unit for a machine in the tobacco-processing industry, with a visual display unit (Fig. 2, element 16) for the display of a graphic user interface (Fig. 2, element 11) consisting of a plurality of screen displays (pg. 2, par. [0020] and [0021]), and a computer (Fig. 2, element 14) which is designed to generate the graphic user interface by means of a computer program (pg. 2, par. [0023]), whereby essentially all the screen displays have at least the following regions:

an operating region (Fig. 4, element 24) that can be operated by the operator for the display of a plurality of different operating-region displays that can be selected by

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the operator, with machine-and/or product-related display and operating elements (pgs. 2-3, par. [0026]-[0031];

a message region (Fig. 4, element 25) for the display of machine- or product-related stop and warning messages (pg. 2, par. [0026]), characterized in that the screen displays have at least one further region which includes machine- and/or product-related display and/or operating elements concerning the production mode, display of the further region being independent of the respectively selected operating-region display of the operating region (pg. 3, par. [0041]).

4. As per claim 2, Draghetti discloses the display and operating unit according to claim 1, characterized in that the at least one further region includes a control region that can be operated by the operator with operating elements which can be operated for control of the machine (pg. 3, par. [0041]-[0043]).

5. As per claim 7, Draghetti discloses the display and operating unit according to claim 2, characterized in that the control region has an operating element for automatic empty running of the machine in relation to product material (pg. 1, par. [0009] and pg. 2, par. [0025]).

6. As per claim 9, Draghetti discloses the display and operating unit according to claim 2, characterized in that operating elements are assigned corresponding status indicating elements (pg. 3, par. [0040]).

7. As per claim 10, Draghetti discloses the display and operating unit according to claim 1, characterized in that the at least one further region has a production measurement data display region with display elements for the display of production measurement data measured by means of measuring devices in the machine (pg. 3, par. [0040]).

8. As per claim 11, Draghetti discloses the display and operating unit according to claim 10, characterized in that the production measurement data display region is arranged in the upper third of the screen (pg. 2, par. [0025]).

9. As per claim 12, Draghetti discloses the display and operating unit according to claim 10, characterized in that the production measurement data display region can be configured individually (pg. 4, par. [0055]).

10. As per claim 13, Draghetti discloses the display and operating unit according to claim 1, characterized in that the operating region, the message region and the or each further region are each in separate regions (pg. 4, par. [0055]).

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11. As per claim 14, Draghetti discloses the display and operating unit according to claim 1, characterized in that the arrangement of the operating region, the message region and the or each further region is invariably predetermined for the operator during ordinary production (pg. 2, par. [0025] and Fig. 2, element 23 and 24).

12. As per claim 15, Draghetti discloses the display and operating unit according to claim 1, characterized in that all operating-region displays are assigned to a plurality of groups of operating-region displays (pg. 3, par. [0033]; i.e. hypertext navigation means).

13. As per claim 16, Draghetti discloses characterized in that each group of operating-region displays is assigned a main operating-region display (pg. 3, par. [0034] and [0035]; i.e. icons correlated together which is part of a region of the machine).

14. As per claim 17, Draghetti discloses the display and operating unit according to claim 15, characterized in that the operating-region displays are arranged hierarchically within a group (pg. 3, par. [0033]).

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15. As per claim 18, Draghetti discloses the display and operating unit according to claim 15, characterized in that for each group a screen display can be stored as current (pg. 3, par. [0040]).

16. As per claim 19, Draghetti discloses the display and operating unit according to claim 15, characterized in that the operating region is assigned a group selection region with group selection fields which can be actuated for the selection of one group of operating-region displays, respectively (pg. 3, par. [0033]-[0035]).

17. As per claim 20, Draghetti discloses the display and operating unit according to claim 19, characterized in that a group selection field is assigned a group of operating-region displays essentially concerning the production mode of the machine (pg. 3, par. [0040] and [0041]).

18. As per claim 21, Draghetti discloses the display and operating unit according to claim 19, characterized in that a group selection field is assigned a group of operating-region displays essentially concerning faults, machine maintenance and/or starting up the machine (pg. 3, par. [0040] and [0041]).

19. As per claim 22, Draghetti discloses the display and operating unit according to claim 19, characterized in that a group selection field is assigned a group of help

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operating-region displays for the display of an operator's manual in order of subject (pgs. 3, par. [0044]-[0045]).

20. As per claim 23, Draghetti discloses the display and operating unit according to claim 19, characterized in that a group selection field is assigned a group of operating-region displays essentially concerning shift management (pg. 4, par. [0058]), parameter settings (pg. 2, par. [0023]) and/or machine maintenance (pg. 3, par. [0041] and [0042]).

21. As per claim 24, Draghetti discloses the display and operating unit according to claim 1, characterized in that the message region is assigned a first message region for the display of a first message corresponding to the original reason for stopping in case of stopping of the machine (pg. 2, par. [0026]).

22. As per claim 25, Draghetti discloses the display and operating unit according to claim 1, characterized in that essentially every screen display has a line display region with display elements for machines of the corresponding production line that can be operated (pg. 3, par. [0033]).

23. As per claim 26, Draghetti discloses the display and operating unit according to claim 1, characterized in that the operating region is assigned a navigation region with

navigation areas which can be actuated for bringing up desired operating-region displays (pg. 3, par. [0034] and [0035]).

24. As per claim 27, Draghetti discloses the display and operating unit according to claim 1, characterized in that the operating region is assigned a navigation region which can be displayed temporarily on request, with navigation fields which can be actuated for bringing up desired operating-region displays (pg. 3, par. [0034]-[0036]).

25. As per claim 29, Draghetti discloses the display and operating unit according to claim 1, characterized in that in at least one screen display can be displayed context help selection fields which are assigned to display or operating elements and the actuation of which leads to the display of respectively corresponding context help display elements (pgs. 3, par. [0044]-[0045]).

26. As per claim 32, Draghetti discloses the display and operating system according to claim 1, characterized in that all machine parameters adjustable by the operator (pg. 2, par. [0023]) can be displayed in an operating-region display (pg. 2, par. [0025] and Fig. 4, element 24).

27. As per claim 33, Draghetti discloses the display and operating system according to claim 32, characterized in that all machine parameters adjustable by the operator are

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displayed in the form of a common list of contents (pg. 2, par. [0023] and pg. 3, par. [0034]).

28. As per claim 34 Draghetti discloses the display and operating system according to claim 32, characterized in that the operating-region display includes at least one target selection field with a plurality of selectable parameter targets, the parameters displayed in the operating-region display being determined by the respectively selected parameter target (pg. 3, par. [0034] and [0040]).

29. As per claim 35, Draghetti discloses the display and operating system according to claim 34, characterized in that a target selection field is provided for the selection of parameter targets in connection with different machine regions (pg. 3, par. [0034]-[0036]).

30. As per claim 36, Draghetti discloses the display and operating system according to claim 34, characterized in that a target selection field is provided for the selection of parameter targets in connection with different types of parameter (pg. 3, par. [0034] and [0040]).

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31. As per claim 37, Draghetti discloses the display and operating system according to claim 32, characterized in that the parameters displayed in the operating-region display are arranged in an appropriate order (pg. 3, par. [0033] and [0034]).

32. As per claim 38, Draghetti discloses the display and operating system according to claim 1, characterized in that all actions that can be performed by the operator and which are connected with machine operation can be displayed in one operating-region display (pg. 2, par. [0025] and Fig. 2, element 16).

33. As per claim 39, Draghetti discloses the display and operating system according to claim 1, characterized in that all messages (Fig. 4, element 25) occurring within a past interval of time can be displayed in one operating-region display (pg. 2, par. [0026] and pg. 3, par. [0041]).

34. As per claim 40, Draghetti discloses the display and operating method for a machine in the tobacco-processing industry, wherein a graphic user interface (Fig. 2, element 11) consisting of a plurality of screen displays (pg. 2, par. [0020] and [0021]) is generated and displayed on a visual display unit (pg. 2, par. [0023] and Fig. 2, element 16), wherein in essentially all the screen displays at least the following regions are displayed:

an operating region (Fig. 4, element 24) that can be operated by the operator and in which a plurality of different operating-region displays that can be selected by the operator are displayed with machine- and/or product-related display and operating elements (pgs. 2-3, par. [0026]-[0031]);

a message region (Fig. 4, element 25) that cannot be operated by the operator and in which machine- or product-related stop and warning messages are displayed (pg. 2, par. [0026]), characterized in that the screen displays have at least one further region, wherein in the further region are displayed machine- and/or product-related display and/or operating elements concerning the production mode, the further region being displayed independently of the respectively selected operating-region display of the operating region (pg. 3, par. [0041]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

35. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Draghetti in view of U.S. Patent No. 5,293,024 (hereinafter Sugahara).

36. As per claim 3, Draghetti does not expressly teach the display and operating unit according to claim 2, characterized in that the control region includes two configurations for running machine and for standstill machine.

Sugahara teaches to configurations for running machine (col. 9, lines 57-61 and col. 10, lines 3-7) and for standstill machine (col. 9, lines 61-62).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Draghetti to include configurations for running machine and for standstill machine to provide a method for automatically restarting to resume an unattended operation after a fault without user intervention (col. 1, lines 6-11).

37. As per claim 4 Draghetti does not expressly teach, characterized in that the control region has an operating element for automatic starting of the whole machine from a standstill.

Sugahara teaches an operating element for automatic starting of the whole machine from a standstill (col. 10, lines 39-45).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Draghetti to include an operating element for automatic starting of the whole machine from a standstill to

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provide a method for automatically restarting to resume an unattended operation after a fault without user intervention (col. 1, lines 6-11).

38. As per claim 5 Draghetti does not expressly teach characterized in that the operating element for automatic starting of the whole machine as a function of the fulfilment of conditions necessary for starting the machine has a ready indicator.

Sugahara teaches an operating element for automatic starting of the whole machine as a function of the fulfilment of conditions necessary for starting the machine has a ready indicator (col. 10, lines 39-45).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Draghetti to include an operating element for automatic starting of the whole machine as a function of the fulfilment of conditions necessary for starting the machine has a ready indicator to provide a method for automatically restarting to resume an unattended operation after a fault without user intervention (col. 1, lines 6-11).

39. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Draghetti in view of U.S. Patent No. 6,015,515 (hereinafter Fujita).

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40. As per claim 6, Draghetti does not expressly teach the display and operating unit according to claim 2, characterized in that the control region has an operating element for adjustment of the machine speed.

Fujita teaches to an operating element for adjustment of the machine speed (col. 7, lines 30-45).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Draghetti to include an operating element for adjustment of the machine speed to easily and automatically obtain a proper program profile for controlling the injection speed without relying on prior knowledge of the machine (col. 2, lines 42-47).

41. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Draghetti in view of U.S. Patent No. 7,032,445 B2 (hereinafter Belcastro).

42. As per claim 8, Draghetti does expressly teach the display and operating unit according to claim 2, characterized in that the control region has an operating element for switching secondary drives on and off.

Belcastro an operating element for switching drives on and off (col. 2, lines 56-61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Draghetti to include switching drives on and off to provide an efficient way to correlate the measurements taken of the cigarette with performance of specific cigarettes (col. 3 lines 11-18).

43. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Draghetti in view of U.S. Patent No. 5,539,650 (hereinafter Hehl).

44. As per claim 30, Draghetti does not expressly teach display and operating unit according to claim 1, characterized in that each operating-region display is assigned an operating priority for establishing authorisation for access to this operating-region display.

Hehl teaches to an operating priority for establishing authorisation for access to a display (pg. 5, lines 25-50).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Draghetti to include an operating priority for establishing authorisation for access to a display to provide a method for setting up a machine that can be performed quickly while simultaneously reducing the frequency of errors in the input of parameters (col. 2, lines 15-20).

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45. As per claim 31, Draghetti does not expressly teach the display and operating unit according to claim 30, characterized in that the assignment of operating priorities to the operating-region displays can be configured individually.

Hehl teaches to an assignment of operating priorities to an operating-region displays can be configured individually (pg. 5, lines 25-50).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Draghetti to include an assignment of operating priorities to an operating-region displays can be configured individually to provide a method for setting up a machine that can be performed quickly while simultaneously reducing the frequency of errors in the input of parameters (col. 2, lines 15-20).

46. Claims 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Draghetti in view of U.S. Patent Publication No. 2002/0077711 (hereinafter Nixon) .

47. As per claim 28, Draghetti does not expressly teach the display and operating unit according to claim 27, characterized in that at least some of the navigation fields of the navigation region can be individually assigned to favoured operating-region displays.

Nixon teaches to at least some of the navigation fields of the navigation region can be individually assigned to favoured operating-region displays (pg. 7, par. [0046]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Draghetti to include at least some of the navigation fields of the navigation region can be individually assigned to favoured operating-region displays to enhance asset utilization in a process control plant or environment (pg. 1, par. [0002]).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to graphical user interfaces in control systems.

U.S. Patent No. 5,284,164 discloses a method for improving the quality of products produced in a cigarette manufacturing process.

U.S. Patent No. 5,325,287 discloses a control system for a process machine, preferably an injection molding machine, and having an improved control system architecture.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER L. NORTON whose telephone number is (571)272-3694. The examiner can normally be reached on Monday-Friday between 9:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Albert DeCady/
Supervisory Patent Examiner
Art Unit 2121

/JLN/